

of stomach, large glands, tuberculosis of the bones, sore eyes, blindness, carbuncles, ovarian tumor, consumption, cramping of limb, milk leg, varicose veins, lameness of the back, and swelled neck.

On November 28, 1933, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21801. Adulteration and Misbranding of Pyroligneous Compound No. 1 and misbranding of Pyroligneous Compound No. 2, and Healing Ointment. U. S. v. Lester Tilton (Tilton Laboratories). Tried to the court and a jury. Verdict of guilty. Fine, \$1,000. (F. & D. no. 27517. I.S. nos. 25192, 25193, 25194, 35010.)

Examination of the drug products involved in this case disclosed that the articles contained no ingredients or combinations of ingredients capable of producing certain curative and therapeutic effects claimed in the labelings. Tests of the Pyroligneous Compound No. 1 showed that the article did not possess the germicidal and disinfectant properties claimed.

On May 2, 1932, the United States attorney for the Southern District of Iowa acting upon a report by the Secretary of Agriculture, filed in the district court an information against Lester Tilton, trading as the Tilton Laboratories, Clinton, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about June 23 and November 10, 1930, from the State of Iowa into the State of Illinois, of a quantity of Pyroligneous Compound No. 1, which was adulterated and misbranded, and of quantities of Pyroligneous Compound No. 2 and Healing Ointment, which were misbranded; and on or about July 6, 1931, from the State of Iowa into the State of Illinois, of a quantity of Healing Ointment which was misbranded.

Analyses of samples of the articles by this department showed that the Pyroligneous Compound No. 1 consisted essentially of small proportions of ammonium carbonate, ammonium hydroxide, and pyridine and water (approximately 98 percent); that the Pyroligneous Compound No. 2 consisted essentially of small proportions of ammonium hydroxide and pyridine, a trace of a phenolic substance and water (approximately 98 percent); and that the Healing Ointment consisted essentially of small proportions of volatile oils including camphor, peppermint oil, and turpentine oil, incorporated in petrolatum.

It was alleged in the information that the Pyroligneous Compound No. 1 was adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, in that it was represented to be a germicide and a disinfectant, whereas it was not a germicide and it was not a disinfectant.

Misbranding of the Pyroligneous Compound No. 1 was alleged for the reason that certain statements, designs and devices regarding the curative and therapeutic effects of the article appearing on the bottle label, falsely and fraudulently represented that it was effective as a haemostat, and effective as a remedy, treatment and cure for ulcers of stomach or food tract, sore mouth, pyorrhea, sore tonsils and sore throat; and effective as a treatment, remedy and cure for piles and female trouble. Misbranding of the Pyroligneous Compound No. 2 was alleged for the reason that certain statements, designs and devices regarding the curative and therapeutic effects of the article falsely and fraudulently represented that it was effective as a treatment, remedy and cure for goitre, swollen glands and varicose veins. Misbranding of the Healing Ointment was alleged for the reason that certain statements, designs and devices regarding the therapeutic and curative effects of the article, appearing on the carton label and in a label contained in the carton, falsely and fraudulently represented that the article was effective as a healing ointment; and effective as a treatment, remedy and cure for boils, carbuncles, abscesses, infections, sore throat, tonsillitis, sore lungs, pus conditions of pleura, appendicitis and varicose ulcer; and effective as a treatment for swollen or inflamed parts.

On November 1, 1933, the case came on for trial before the court and a jury. The trial was concluded on November 3, the court submitting the case to the jury with the following instructions (Dewey, D. J.):

“Gentlemen of the jury: Instruction No. 1. On May 2, 1932, the United States attorney filed an information against Lester Tilton, trading as Tilton Laboratories, charging him with six separate and distinct offenses, set out in the information as counts 1 to 6, inclusive. The information will be given you and you can take it to your jury room.

"To this information and to each and all of the charges and counts contained therein the defendant has entered a plea of not guilty and this plea denies and puts in issue all the material allegations of each of the counts of the information, and before you will be warranted in returning a verdict of guilty on any count as against the defendant the Government must establish the truthfulness of the material allegations of such count by the evidence and beyond a reasonable doubt.

* Instruction No. 2. Notwithstanding the filing of the information by the United States attorney and its approval by the judge of this court, the defendant is presumed to be innocent and this presumption remains with him throughout the trial and until overcome by evidence.

"The defendant in a criminal case is not required to prove his innocence but the Government before it will be warranted in asking a verdict of guilty must prove the truth of the material allegations of its charges by the evidence and beyond a reasonable doubt.

* Instruction No. 3. The term 'reasonable doubt' as used in these instructions means what the words imply: A doubt founded in reason; it means a doubt which, without being sought after, fairly and naturally arises in the mind after a fair and candid consideration of the evidence or lack of the evidence in the case. It does not mean a strained, captious or unnatural or unreasonable doubt, nor one raised by some forced or artificial meaning given to the evidence nor one raised for the purpose of acquittal of the defendant of whose guilt there is no reasonable doubt. However, we are not here to determine the question of whether or not there is reasonable doubt in this case, but we are here for the determination of the question whether or not the defendant is guilty under the law and the facts introduced in evidence in this case.

"Instruction No. 4. You are instructed that under the decisions of the United States Supreme Court this court is satisfied that count 2 of the information does not charge an offense under the acts of Congress, and count 2 is therefore withdrawn from your consideration.

"Instruction No. 5. The sections of the Food and Drugs Act as passed by the Congress of the United States, in so far as they are material to the charges contained in the information in this case, are as follows:

Section 2—The introduction into any State * * * of any article of * * * drugs which is adulterated or misbranded, within the meaning (of this act) * * * is prohibited; and any person who shall ship * * * from any State * * * to any other State * * * any such adulterated or misbranded * * * drugs, * * * shall be guilty of a misdemeanor * * *

Section 6—That the term 'drug' as used in (this act) * * * shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. * * *

Section 8—The term 'misbranded', as used in (this act) * * * shall apply to all drugs, * * * the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular. * * *

An article shall be deemed to be misbranded;

In case of drugs: * * *

If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent.

Section 7—For the purposes of (this act) an article shall be deemed to be adulterated;

In case of drugs: * * *

If its strength or purity fall below the professed standard or quality under which it is sold. * * *

* Instruction No. 6. The material allegations of count 1 of the information have to do with and are drawn under the law before quoted with reference to adulteration of drugs, and are as follows:

"First, that the defendant Lester Tilton on or about the 23d day of June and on or about the 10th day of November, 1930, shipped by means of a motor truck from the city of Clinton, Iowa, to Chicago, Ill., and consigned to the Felician Sisters Convent a certain consignment of bottles containing an article designed and intended to be used as a drug, and said bottles were labeled as set forth in the succeeding instruction with reference to count 3 of the information.

"Second, that said labels represented that the strength and purity of the contents of the bottles were such that it would be effective as a germicide and disinfectant.

"Third, that the strength and quality of the contents of said bottles in truth and in fact was not a germicide nor a disinfectant.

"If you find that the Government has established each and all of the three foregoing material allegations by the evidence and beyond a reasonable doubt, then you would be warranted in returning a verdict of guilty as to count one; but if you do not find that the Government has so established, then you will find the defendant not guilty as to count 1 of the information.

"Instruction No. 7. You will notice that count 1 of the information comes under the provision of the law with reference to adulteration and is different in its material allegations than the charges contained in counts 3, 4, 5, and 6 of the information hereinafter submitted to you, which have to do with misbranding.

"Before the Government will be warranted in asking for the return of a verdict of guilty on count one of the information, it will be necessary for it to prove that it was represented on the labels, if you find that the product was labeled as represented, that the contents thereof were a germicide and a disinfectant, and that in truth and in fact the contents thereof were not effective in any degree as a germicide or a disinfectant.

"Instruction No. 8. The material allegations of count 3 of the information are:

"First, that the defendant Lester Tilton on or about the 23d day of June and on or about the 10th day of November, 1930, shipped by means of a motor truck from the city of Clinton, Iowa, to the city of Chicago, Ill., and consigned to the Felician Sisters Convent in said city certain bottles bearing on a label thereon statements regarding the therapeutic and curative effects of the contents thereof.

"Second, that said bottles were labeled as follows: 'No. 1 Pyroligneous Compound (Patented May 27, 1924) U.S. Analysis—Ammonia Creosotes, Pyridens, Alcohol-ethyl, a trace, and inorganic compounds. Its Uses—As a Germicide, Disinfectant and Haemostat. To cleanse an open tissue use a saturated pledget of cotton, cleanse around open tissue and dab lightly over open tissue. For ulcers of stomach or food tract mix 1 to 1 with water. Dose— $\frac{1}{2}$ teaspoon of mixture every four hours. For Sore Mouth, Pyorrhea, Tonsils and Sore Throat use as above and swallow slowly. For Piles or Female Trouble mix 1 part to 3 of water, using 1 ounce by syringe morning and evening. Spray nose and throat in cases of soreness and swollen condition. Use this where you would use Iodine or Carbolic Acid in any case. Tilton Laboratories Research (Cancer) Treatment Clinton, Iowa.'

"Third, that said labels were so worded as to create in the minds of purchasers thereof the impression and belief that the contents of the bottles were effective in a remedial sense as a haemostat, and effective as a remedy, treatment, and cure for ulcers of the stomach or food tract, sore mouth, pyorrhea, sore tonsils and sore throat, and effective as a treatment, remedy, and cure for piles and female troubles.

"Fourth, that said statements and representations on the labels as aforesaid, or some of them, were false and untrue.

"Fifth, that the defendant Lester Tilton knew that said statements and representations, or some of them were not true or that he placed them thereon in reckless and wanton disregard of their truth or falsity, and,

"Sixth, that said statements or representations, or some of them, were so placed on said labels by said defendant with the purpose and intent on his part to deceive users or purchasers thereof.

"If you find that the Government has established by the evidence and beyond a reasonable doubt each and all of the six foregoing material allegations, then you would be warranted in returning a verdict of guilty as against the defendant on count 3 of the information. But if you find that the Government has failed to establish any of said material allegations by the evidence and beyond a reasonable doubt, then you must return a verdict of not guilty as to count 3 of the information.

"Instruction No. 9. The material allegations of count 4 of the information are:

"First, that the defendant Lester Tilton on or about the 23d day of June and on or about the 10th day of November, 1930, shipped by means of a motor truck from the city of Clinton, Iowa, to Chicago, Ill., and consigned to the Felician Sisters Convent in said city certain bottles bearing on a label thereon statements regarding the therapeutic and curative effects of the contents thereof.

"Second, that said bottles were labeled as follows: 'No. 2 Pyroligneous Compound (Patented May 27, 1924) U.S. Analysis—Ammonia, Creosotes, Pyridens,

Alcohol-ethyl, a trace, and inorganic compounds. Its Uses—For Goitre Moisten swollen glands thoroughly three times a day and let dry. For Swollen Glands and Varicose Veins moisten twice a day as above. Tilton Laboratories Research (Cancer) Treatment Clinton, Iowa.'

"Third, that said labels were so worded as to create in the minds of purchasers thereof the impression and belief that the contents of the bottles were effective in a remedial sense for the treatment and cure of goiter, swollen glands, and varicose veins.

"Fourth, that said statements and representations on the labels as aforesaid, or some of them, were false and untrue.

"Fifth, that the defendant Lester Tilton knew that said statements and representations, or some of them, were not true or that he placed them thereon in reckless and wanton disregard of their truth or falsity, and

"Sixth, that said statements or representations, or some of them, were so placed on said labels by said defendant with the purpose and intent on his part to deceive users or purchasers thereof.

"If you find that the Government has established by the evidence and beyond a reasonable doubt each and all of the six foregoing material allegations, then you would be warranted in returning a verdict of guilty as against the defendant on count 4 of the information. But if you find that the Government has failed to establish any of said material allegations by the evidence and beyond a reasonable doubt, then you must return a verdict of not guilty as to count 4 of the information.

"Instruction No. 10. The material allegations of count 5 of the information are:

"First, that the defendant Lester Tilton on or about the 23rd day of June and on or about the 10th day of November, 1930, shipped by means of a motor truck from the city of Clinton, Iowa, to the city of Chicago, Ill., and consigned to the Felician Sisters Convent in said city certain packages, to wit, a number of jars enclosed in shipping cartons and bearing on a label on said cartons statements regarding the therapeutic and curative effects of the contents thereof.

"Second, that said cartons were labeled as follows; 'Healing Ointment To Apply—Spread on used muslin, gauze or flake of cotton to exclude the air. Change every 12 hours. Use over Cuts, Burns, Bruises, Boils, Carbuncles, Abscesses, Infections, Sore Throat, Tonsillitis Sore Lungs or Pus Condition of Pleura or Appendicitis and Varicose Ulcer. Cover well all swollen or inflamed Parts, changing every 12 hours until healed or soreness has disappeared. Tilton Laboratories Clinton, Iowa.'

"Third, that said labels were so worded as to create in the minds of purchasers thereof the impression and belief that the contents contained ingredients or medicinal agents effective, among other things, as a healing ointment; and effective as a treatment, remedy, and cure for boils, carbuncles, abscesses, infections, sore throat, tonsillitis, sore lungs, pus conditions of the pleura, appendicitis, and varicose ulcers; and effective as a treatment for swollen or inflamed parts.

"Fourth, that said statements and representations on the labels as aforesaid, or some of them, were false and untrue.

"Fifth, that the defendant Lester Tilton knew that said statements and representations, or some of them, were not true or that he placed them thereon in reckless and wanton disregard of their truth or falsity, and

"Sixth, that said statements or representations, or some of them, were so placed on said labels by said defendant with the purpose and intent on his part to deceive users or purchasers thereof.

"If you find that the Government has established by the evidence and beyond a reasonable doubt each and all of the six foregoing material allegations, then you would be warranted in returning a verdict of guilty as against the defendant on count 5 of the information. But if you find that the Government has failed to establish any of said material allegations by the evidence and beyond a reasonable doubt, then you must return a verdict of not guilty as to count 5 of the information.

"Instruction No. 11. The material allegations of count 6 of the information are:

"First, that the defendant Lester Tilton on or about the 6th day of July, 1931, shipped by parcel post from Clinton, Iowa, to Chicago Ill., and consigned to Steve J. Plecki, in said city, a number of jars bearing on labels thereon

statements regarding the therapeutic and curative effects of the contents thereof.

"Second, that said jars were labeled in the same manner and with the same wording as the labels set out in count 5 of the information.

"Third, that said labels were so worded as to create in the minds of purchasers thereof the impression and belief that the contents contained ingredients or medicinal agents effective, among other things, as a healing ointment; and effective as a treatment, remedy, and cure for boils, carbuncles, abscesses, infections, sore throat, tonsillitis, sore lungs, pus conditions of the pleura, appendicitis, and varicose ulcers; and effective as a treatment for swollen or inflamed parts.

"Fourth, that said statements and representations on the labels as aforesaid, or some of them, were false and untrue.

"Fifth, that the defendant Lester Tilton knew that said statements and representations, or some of them, were not true or that he placed them thereon in reckless and wanton disregard of their truth or falsity, and

"Sixth, that said statements or representations, or some of them, were so placed on said labels by said defendant with the purpose and intent on his part to deceive users or purchasers thereof.

"If you find that the Government has established by the evidence and beyond a reasonable doubt each and all of the six foregoing material allegations, then you would be warranted in returning a verdict of guilty as against the defendant on count 6 of the information. But if you find that the Government has failed to establish any of said material allegations by the evidence and beyond a reasonable doubt, then you must return a verdict of not guilty as to count 6 of the information.

"Instruction No. 12. You will notice that the information does not directly charge that the statements and representations on the labels state that the remedies were effective for the purposes charged in the information and as set forth in the third material allegation referred to in the preceding instruction,—the charge being that the labels were so worded as to create in the minds of purchasers thereof the impression and belief that the contents thereof were so effective as a remedy as charged.

"The aim of the statute is to prevent a wrongful impression from indirect or ambiguous statements as well as from false, direct statements; but in order to be criminal a statement on a label must be such as to be well understood by an ordinarily cautious and prudent person as a direct statement of fact. So in determining whether or not the labels were so worded as to create in the minds of purchasers or users of the articles so branded or labeled by the statements and representations as charged in the information, you should consider the entire label and it is for you to say and determine therefrom whether or not such label did contain statements that were in fact representations that the contents and ingredients of the bottles or jars, as the case may be, were effective as a remedy in the sense as charged in the information. In this connection you are told that it is not necessary for the Government to establish that the labels charged all of the curative effects as charged in the information, for if the information charges and the evidence establishes beyond a reasonable doubt that the labels represented a statement of fact as to any such treatments or cures and that such statement as to any such treatment or cure was false and known by the defendant to be false and placed thereon by him for the purpose and with the intent to deceive purchasers or users thereof, then the charge would be sufficient.

"Instruction No. 13. If you find that the Government has established that some or all of the statements as charged were contained on the label or labels, but if you find that all such statements were in fact true, then you need go no further but return a verdict for the defendant of not guilty.

"Instruction No. 14. In order to prove that the defendant Lester Tilton was guilty as charged in counts 3, 4, 5, and 6 of the information it must not only be shown by the Government that statements regarding the remedial nature of the product were made and that they were false and untrue, but also that the said Lester Tilton knew that they were not true or that he made them in such reckless and wanton disregard for their truth or falsity as to supply a knowledge on his part.

"If you find that the Government has failed to establish that Lester Tilton did not know that the statements on the labels made by him, if they were made by him, were untrue, or if the Government has failed to show that

they were not made honestly and in good faith on his part with no intention to deceive users or purchasers thereof, then or in either of those events you must return a verdict of not guilty as to counts 3, 4, 5, and 6.

"Instruction No. 15. Another element of the counts 3, 4, 5, and 6 in the information is that Lester Tilton, the defendant, placed the labels on the articles for the purpose of deceiving users or purchasers thereof.

"Intent is an emotion of the mind seldom if ever susceptible of direct and positive testimony and it can only be arrived at by a jury in consideration of all the facts and circumstances surrounding the transactions as disclosed by the evidence and weighing the testimony of the several witnesses, and it is for you to say and determine as an ordinarily cautious and prudent person would what was the intent and purpose of the defendant in placing the statements and labels on the articles, if you find that they were so, placed thereon by the defendant.

"In this connection you are instructed that evidence was permitted by the court to be introduced by certain physicians from Chicago as to certain treatments or experiments had by the defendant on patients in that city and that this evidence was introduced and permitted to be presented in court only as it might bear upon the question of the knowledge, intent, and purpose of the defendant, Lester Tilton, in the labeling and shipping of his products to that city.

"We are not here to determine whether these articles or any of them were effective or efficacious as a cure or aid in the treatment of cancer, and this evidence, as aforesaid, should not be considered by you and you should not consider whether or not the defendant here effected a cure of cancer in the city of Chicago, but you should consider the evidence only on the question of what was his intent and purpose and design in the labeling of the articles that are claimed by the information to have been shipped from Clinton, Iowa, to Chicago, Ill., and as set out in the information.

"Instruction No. 16. One of the necessary elements or material allegations of counts 3, 4, 5, and 6 of the information is that the article was shipped bearing labels containing alleged false and fraudulent representations.

"Some evidence was adduced to the effect that the labels were shipped in the same box and were directed to be placed thereon before they were used by the defendant. If you find that the evidence establishes either that the labels were on the bottles when they were shipped or that the labels were shipped with the boxes and within the cartons but were later placed thereon by someone under the direction of the defendant, then you are told that such shipments of labels with the bottles and a placing thereon by his direction would amount to the same thing as a shipment of the bottles or articles with the labels pasted thereon.

"Instruction No. 17. You are instructed that you should consider each one of the charges separately. You are not required to find the defendant guilty or not guilty as to all of the counts, but guided by the evidence and these instructions you will consider and return your verdict on each count as to whether or not the Government has established by the evidence and beyond a reasonable doubt from the evidence the truth of all the material allegations of such information.

"You are permitted to return a verdict of guilty as to some of the counts and not guilty as to others.

"Instruction No. 18. You are the sole judges of the credibility of the witnesses and of the weight to be given their testimony. In weighing the testimony of the various witnesses you should take into consideration their interest, if any, in the result of the trial; their intelligence, or want of it; their means and opportunities of seeing, knowing, and remembering the matters testified to by them; whether they are corroborated or contradicted by other credible witnesses and the facts in evidence, whether the matters testified to by them and the statements made by them are reasonable or unreasonable, and all the other facts and circumstances in evidence.

"You should carefully consider and weigh all the evidence in the case, and return such a verdict as your consciences will approve, based alone on the evidence and these instructions, and free from influence, bias, prejudice, or sympathy.

"Instruction No. 19. The defendant has testified before you as a witness in his own behalf; and in considering and weighing his testimony you should be governed by the instruction last given, and apply the same rules as that

governing the testimony of the other witnesses, taking into consideration the fact that he is the defendant and charged with the crime; and while for that reason alone you should not disregard his testimony, yet the fact that he is testifying in his own behalf may be considered by you, and you should fairly and impartially consider his evidence as you should that of all the witnesses. You should also consider whether the testimony of the defendant is true, and made in good faith or whether it is for the purpose of avoiding conviction; and in the light of all the facts and circumstances as presented by the evidence you should give to the testimony of each witness such weight as you believe it fairly entitled to.

Instruction No. 20. Two forms of verdict are here submitted to you. If you find the defendant guilty on any count or counts the form of your verdict will be: 'We, the jury, find the defendant Lester Tilton Guilty of the charge contained in (counts 1, 3, 4, 5, and 6 separately) of the information filed herein.'

"If you find the defendant not guilty on any count or counts, the form of your verdict will be: 'We, the jury, find the defendant Lester Tilton Not Guilty of the charge contained in (counts 1, 3, 4, 5, and 6 separately) of the information filed herein.'

"When you have agreed upon your verdicts, you will cause the same to be signed by one of your number, whom you may have chosen as foreman, and return the verdicts into court."

On November 3, 1933, the jury returned a verdict of guilty, and on November 27, 1933, the court imposed a fine of \$200 on each of the five counts of the information.

M. L. WILSON, *Acting Secretary of Agriculture.*

21802. Misbranding of Pabst's O.K. Specific. U. S. v. Fridolin Pabst (Pabst Chemical Co.). Judgment of guilty. Fine, \$100. (F. & D. no. 27566. I.S. nos. 36901, 38409.)

Examination of the drug preparation, Pabst's O. K. Specific, disclosed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On May 6, 1932, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Fridolin Pabst, trading as the Pabst Chemical Co., Chicago, Ill., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about March 2, 1931, from the State of Illinois into the State of Texas, and on or about July 7, 1931, from the State of Illinois into Puerto Rico, of quantities of Pabst's O. K. Specific that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of cubeb oil, copaiba oleoresin, extracts of plant drugs, including buchu and uva ursi, sugar, alcohol, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices appearing in the circulars shipped with the article, regarding its curative and therapeutic effects, falsely and fraudulently represented that the article was effective in the treatment of and as a cure for gonorrhoea and gleet, either when used alone or in connection with "Okay Tonic", whereas it was not effective in the treatment of or as a cure for gonorrhoea and gleet, either when used alone or in connection with "The Okay Tonic."

On January 9, 1934, the defendant having entered a plea of not guilty to the information and a jury having been waived and the case submitted to the court, judgment was entered finding the defendant guilty and imposing a penalty of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

21803. Misbranding of Ora-Noid Mouth Powder. U. S. v. 33 Packages of Ora-Noid Mouth Powder. Tried to the court. Judgment for the Government. Decree of condemnation, forfeiture, and destruction. U. S. v. 10 Packages of Ora-Noid. Default decree of condemnation, forfeiture, and destruction. (F. & D. nos. 28242, 28924. I.S. no. 53785. S. No. 6103. Sample no. 4963-A.)

Examination of the drug preparation, Ora-Noid Mouth Powder, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 25, 1932, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the